

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22068)
of U. S. Bureau of Reclamation) Decision 1319
to Appropriate from Dry Creek)
in Lake County)

DECISION APPROVING APPLICATION IN PART

U. S. Bureau of Reclamation (hereinafter referred to as the Bureau) having filed Application 22068 for a permit to appropriate unappropriated water; a public hearing having been held before the State Water Resources Control Board on April 9, 1968; applicant having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

1. Application 22068 is for a permit to appropriate 16 cubic feet per second (cfs) by direct diversion from October 1 of each year to July 1 of the succeeding year for irrigation, municipal, domestic, recreational and fish culture purposes from Dry Creek in Lake County. The point of diversion is to be located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T10N, R7W, MDB&M.

2. Application 22068 is intended to supplement Permit 11751 (Application 18165) of Middletown County Water District which authorizes storage of 7,000 acre-feet per season in the proposed Middletown Reservoir. This reservoir

is expected to be authorized by Congress as a part of the West Sacramento Canal Unit, Sacramento River Division, of the Central Valley Project. Middletown Reservoir will provide water needed for future requirements in the Middletown area. The Bureau intends to obtain assignment of Permit 11751 from the district (RT 7).

3. No protests were filed to Application 22068 and the only issue before the Board is whether there is unappropriated water to supply the applicant.

4. Flows of Dry Creek at a U.S.G.S. gaging station one mile above Middletown damsite, supplemented by correlated rainfall data, show that for a 45-year period (1920-1965) the average annual runoff was 19,800 acre-feet. There is practically no flow in the creek from July through September (RT 10). An operation study for the Middletown Reservoir shows that during the 20-year period of study (1920-1940), under conditions of full development, the reservoir would have spilled in 17 of the 20 years. This spill, which represents water surplus to the requirements of Permit 11751, ranged from 1,200 acre-feet to 45,900 acre-feet (USBR Exh. 5).

5. Dry Creek is an upper tributary of Putah Creek. State Water Rights Board Decision D 869 approved applications of the Bureau for its Solano Project, the principal feature of which is Monticello Dam and Reservoir (Lake Berryessa) on Putah Creek. The permits issued to the Bureau were made subject to a maximum depletion of streamflow to Lake Berryessa.

not to exceed 33,000 acre-feet in any one year from Upper Putah Creek Basin appropriations filed after October 29, 1945. Although the face value of appropriations initiated after this date presently exceeds 33,000 acre-feet annually, the actual depletion caused by these appropriations is considerably less than this figure. The rate of increase in use of water from the Solano Project suggests that the reservation for upstream use may be terminated by full development of the Solano Project prior to the time the depletion of 33,000 acre-feet annually is reached. Since many of the upstream projects under earlier applications are not developing at the rate originally proposed, or at all in some instances, projects under applications which fall outside the face value of 33,000 acre-feet should not be denied the opportunity of developing under the reservation.

The Bureau's proposed West Sacramento Valley Canal will provide means for furnishing water to the Solano Project area in exchange for any portion of the Putah Creek stream-flow being impounded or diverted in the upper basin in excess of the 33,000 annual acre-feet upper basin reservation (RT 20). Any permit issued on Application 22068 should contain a term stating that to the extent that water is not available within the reservation established by Decision D 869 no diversion shall be made unless replacement water is provided on an exchange basis.

6. Unappropriated water is available to supply the applicant, and, subject to suitable conditions, such

water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

8. The Bureau's operation study for the Middletown Project shows that the maximum amount of water that can be diverted and placed to beneficial use from October through May is 10 cfs (USBR Exh. 5). During the month of June the flow in Dry Creek has never been more than 10 cfs over a 30-day period during the 45 years of record (USBR Exh. 4). The permit issued on Application 22068 should be limited to the quantity which can be beneficially used, not to exceed 10 cfs.

From the foregoing findings, the Board concludes that Application 22068 should be approved in part and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 22068 be, and it is, approved in part, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10 cubic feet per second by direct diversion to be diverted from about October 1 of each year to about July 1 of the succeeding year. The equivalent of such continuous

flow allowance for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The maximum quantity herein stated may be reduced in the license if investigation warrants.

3. Actual construction work shall begin on or before July 1, 1973 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1976.

5. Complete application of the water to the proposed use shall be made prior to full beneficial use of water within the Solano Project Service Area under permits issued pursuant to Applications 11199, 12578 and 12716, or before December 1, 1985, whichever occurs first.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

7. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water, and to carry out legally established water quality objectives.

8. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

9. Permittee is hereby put on notice that there may be years when diversion of water under this permit will not be within the reservation of water established for the watershed upstream from Monticello Reservoir in State Water Rights Board Decision D 869. During the portion of such years that, in the absence of permittee's diversion, hydraulic continuity would exist between the permittee's diversion point and Monticello Reservoir, permittee shall not make any diversion and shall allow all streamflow at his diversion works to pass undiminished to the downstream channel, unless replacement water is provided on an exchange basis.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Anaheim, California.

Dated: DEC 5 1968

GEORGE B. MAUL
George B. Maul, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

RALPH J. MCGILL
Ralph J. McGill, Member

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member